

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *eg* D.C.

05 MAY -2 PM 4:43

UNITED STATES OF AMERICA,

vs.

JAMES WILLIAM CALDWELL,

Defendant.

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No. 01-2795-MIV

ROBERT R. DI TROLIO  
CLERK, U.S. DIST. CT.  
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ORDER ON MOTION TO CONTINUE

Before the court is the April 26, 2005 motion of the government seeking a continuance of the evidentiary hearing on petitioner Caldwell's § 2255 motion set June 9, 2005. The government states Assistant United States Attorney Tim DiScenza will be out of the country on June 9, 2005. The defendant does not oppose the motion. The court having considered same is of the opinion that the motion should be granted.

IT IS THEREFORE ORDERED that the hearing on the petition is reset to Thursday, July 14, 2005, at 1:30 p.m. in Courtroom 5, 3rd Floor Federal Building, 167 North Main Street, Memphis, Tennessee.

*Diane K. Vesco*

DIANE K. VESCOVO

UNITED STATES MAGISTRATE JUDGE

DATE: *May 2, 2005*

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## Notice of Distribution

This notice confirms a copy of the document docketed as number 54 in case 2:01-CV-02795 was distributed by fax, mail, or direct printing on May 3, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT